

Attachment to Independent Case Review Report
For CDRU # 163 Case file # 95-268468.

Material Examiner: Malone (RO)

Remarks:

After research it has been determined that the original or copy of incoming letter Laboratory number 50819001, dated August 5, 1985 (with original Laboratory number sticker) for Examiner Malone (RO) is missing from the case file at the time of review by the Independent Scientist.

Case resulted in trial. No transcript is available because it was destroyed or the testimony was never transcribed.

INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: Steve Robertson

Area(s) of Expertise: Hair and Fiber

Review commenced at: 7:45 AM (Time), 03/13/2001 (Date)

File #: 95-268468

Laboratory #(s): 50814050 _____
50819001 _____
50819002 _____

Examiner(s) & Symbols

	Reviewed	Not Reviewed		Reviewed	Not Reviewed
<u>RQ</u>	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

Materials Reviewed

Trial testimony transcript(s) of: _____

Testimony Date(s): _____ Pages: _____

Laboratory Report(s):

Laboratory Number: 50814050 Date: Oct 8, 1985
Laboratory Number: 50819001 Date: Oct 8, 1985
Laboratory Number: 50819002 Date: Oct 8, 1985

Examiner Bench Notes of: RQ

Laboratory Number: 50814050
50819001
50819002

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Initials: SRB

Was any other material reviewed? Yes No

If yes, please identify and/or describe the material: Submitting agency letter (dated 8-5-85)

Results of Review

File #: 95-268468 Item or Specimen # Reviewed: Q1-Q10, K3, K4 for 50814050,

Q1-Q3 for 50819001, Q1-Q4 for 50819002

Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?
 Yes No Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?
 Yes No Unable to Determine

Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

Transcript not available.

- 3) Testimony consistent with the laboratory report(s)? Yes No Unable to Determine
- 4) Testimony consistent with the bench notes? Yes No Unable to Determine
- 5) Testimony within bounds of examiner's expertise? Yes No Unable to Determine

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Initials: SW

Comments

(Set forth by above question #, if applicable.
Use "Additional Comments" Sheet, if needed)

File #: 95-268468

#1: With microscopic hair comparison, even with the best notes, there is no way to determine the comparison was performed correctly.

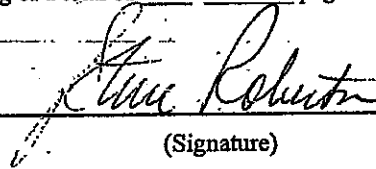
#2: The examination results set forth in two of the laboratory reports are supported by the bench notes, but the documentation is marginally adequate. The notes are not dated or initialed and are in pencil. The technician's notes do not indicate that any hair was recovered from any Q item.

The laboratory report for 50814050 states "one dark brown head hair fragment of Negroid origin was found on specimen Q1" which matched the suspect's head hair sample. The bench notes do not indicate that the hair from Q1 was a fragment.

Review completed at: 8:30 AM (Time), 03/13/2001 (Date)

Total time spent conducting review (to nearest 1/4 hour): 0:45 hours

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 3 pages.



(Signature)

03/13/2001

(Date)

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Initials: SR

95-268468

3-13-01 SK

This apparently involves age rape of 745 AM

3 VICTIMS - EACH VICTIM IS ASSIGNED A SEPARATE LAB NUMBER

REPORT 50814050 dated 10-8-85 (VICTIM #1)

- 1 HEAD HAIR FRAGMENT OF NEGRO ORIGIN ON Q1 (VICTIM SHOES)
Same micro as ABEDNEGO HEAD HAIR

TECHNOTES NO DATE/INITIALS 50814050

Q1 - sealed - DOES NOT INDICATE THAT HAIR WAS RECOVERED
FROM ANY ITEM OF CLOTHING (VICTIM OR SUSPECT)

EXAM NOTES 50814050 NO DATE, INITIALS

Q1 - One dk b HH NO = K4(S) → does not indicate this
IS A FRAGMENT

K4 (Susp) - Num dk b - blk HH's cut + bkn ddv

REPORT 50819001 dated 10-8-85 (VICTIM #2)

- NEGROID HEAD HAIRS IN Q2 (VICTIM BLOUSE) ≠ ABEDNEGO

TECH NOTES - NO DATE, INITIALS

- Q2 - sealed - NO INDICATION THAT HAIR WAS RECOVERED

EXAM NOTES - NO DATE, INITIALS

- Q2 - A few dk b HH's NO ≠ K4(S)

95-268468

373-01 800

REPORT 50819002 DATED 10-8-85 (VICTIM #3)

- 1 HEAD HAIR FRAGMENT OF NEGROID ORIGIN ON Q4 (VICTIM SUCKET)

SAME MICRO AS ABDENEGO HEAD HAIR

TECH NOTES 50819002 - NO DATE, INITIALS

Q4 - sealed - NO INDICATION THAT HAIR WAS RECOVERED

EXAM NOTES 50819002 - NO DATE, INITIALS

Q4 - A few dk b HH's ≠ KY

1 dk b HH, NO (frag) = KY (ABDENEGO)

NO TRANSCRIPT